

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAPITAL TRUST, INC.,

Plaintiff,

v.

WALTER R. LEMBI, et al.,

Defendants.

No. 09-02492 JSW

**NOTICE OF TENTATIVE
RULING AND QUESTIONS FOR
HEARING**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE
NOTICE OF THE FOLLOWING TENTATIVE RULING AND QUESTIONS FOR THE
HEARING SCHEDULED ON AUGUST 21, 2009 AT 9:00 A.M.:

The Court has reviewed the parties' memoranda of points and authorities and, thus, does not wish to hear the parties reargue matters addressed in those pleadings. If the parties intend to rely on legal authorities not cited in their briefs, they are ORDERED to notify the Court and opposing counsel of these authorities reasonably in advance of the hearing and to make copies available at the hearing. If the parties submit such additional authorities, they are ORDERED to submit the citations to the authorities only, with pin cites and without argument or additional briefing. *Cf.* N.D. Civil Local Rule 7-3(d). The parties will be given the opportunity at oral argument to explain their reliance on such authority. The Court also suggests that associates or of counsel attorneys who are working on this case be permitted to address some or all of the Court's questions contained herein.

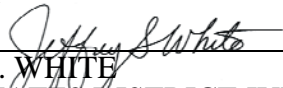
The Court **tentatively GRANTS** Plaintiff's application for a writ of attachment.

Each party shall have ten (10) minutes to address the following question(s):

1. In its Amended Proposed Order, Plaintiff refers to an undertaking, but does not directly address that issue, including the appropriate amount of an undertaking, in its papers. *See* Cal. Code Civ. P. 484.090(b). What is Plaintiff's position on the appropriate amount of an undertaking?
2. Plaintiff has included the promissory notes that Defendants contend were not attached to the motion with the Supplemental Declaration of Lily North, submitted with Plaintiff's reply. Plaintiff also submits the Intercreditor Agreement with that Declaration.
 - a. In light of the submission of these documents, what is Defendants' best argument that Plaintiff's motion should not be granted?
3. Are there any other issues the parties wish to address?

IT IS SO ORDERED.

Dated: August 17, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE